

Ethics Plan Project
Complete listing of interviews held as of 2/18/04

6

Title/Affiliation	Name of person interviewed
City Engineer	Mike McNeely-
Fire Captain	Bill Weisgerber
Acting Director, Planning & Neighborhood Srvc.	Tambri Heyden
Police Captain	Charles Lawson
Director, Finance	Emma Karlan
Director, Building	Edgar Rodriguez-
Senior Supervisor Representing Public Works	Carol Randisi
Council member	Althea Polanski
Council member	Robert (Bob) Livengood
Council member	Patricia (Trish) Dixon
Council member	Armando Gomez
Director, Info. Systems	Bill Marion
Editor/Publisher Milpitas Post	Robert Devincenzi
Milpitas Unified School District .Superintendaent	Dr. Karl Black
Asst. City Manager	Blair King
Council Candidate	Paul Hay
Milpitas Unified School District Board Member	Marsha Grilli
Milpitas Mayor	Jose Esteves
City Clerk	Gail Blalock
City Manager	Thomas (Tom) Wilson
City Attorney	Steve Mattas
Recreation Manager	Bonnie Greiner
MUSD Vice-President	William Foulk
HR Director	Cherie Rosenquist

Supervisor Peter McHugh – Declined an interview (Council candidate)

No responses received from

- 1) Former Milpitas Mayor Henry Manayan
- 2) MUSD Clerk – Barbara Santos
- 3) MUSD Board Member Carmen Montano
- 4) MUSD President - Mike Mendizabal

Telephone call msg. left for Jennifer Lind and Marie Pham CAC members to reschedule their telephone conference call, which did not take place yet.

Attached is the newly developed list from Council for more interviews.

**Requests for additional 1:1 interviews with
Dr. Thomas Shanks, Ethics consultant
As of 3/4/04**

Names from Council member Gomez: (17)

(Peter McHugh - former mayor, past Council candidate, was on original interview list and declined due to personal time constraints)

(Henry Manayan - former mayor, past Council candidate, was on original interview list but did not respond)

Eddie Laredo - employee union president
Dave Gordillo - employee union president
Matt Toffey - employee union president
Reggie Sutton - employee union president
Dorsey Weisman employee union president

Jim Lawson - former Councilman, past Council candidate
Karen Serpa - a local campaign consultant partner of Victor Ajlouny

Deepka Lalwani - past Council candidate, currently a Planning Commissioner who is running for office in November 2004, attended ethics CAC meeting on 2/18

Ed Connor - past Council candidate, currently a Senior Advisory Commissioner, attended the ethics CAC meeting on 2/18 (he was the elderly man who, during the "Milpitas at its Best" exercise, said that he disagreed the decision to move the library from the Civic Center to Main Street was a good decision and example of leadership)

Alex Galang - past Council candidate, currently a Planning Commissioner

Darren Seaton (415) 292-6978 – campaign consultant
Rick Callendar (408) 265-2600 – campaign consultant
Victor Ajlouny (408) 230-6640 – campaign consultant
Ed Riffle - runs campaigns, attended ethics CAC meeting on 2/18
Dan Terry - ?

Chief publishers on the editorial boards of the *San Jose Mercury News* and *The Metro* (2)

Names from Mayor Esteves (2)

Ray Maglalang - past CAC member when the CAC worked on their study that led to their recommendation to Council to hire an ethics consultant, currently an Economic Development Commissioner
Diane McDonough – Economic Development Commission Chair

AMENDMENT No. 1 TO CONSULTING SERVICES AGREEMENT
BETWEEN CITY OF MILPITAS AND DR. THOMAS SHANKS CONSULTING

This Amendment is entered into this 16th day of March, 2004, by and between the City of Milpitas, a municipal corporation of the State of California ("the City") and Dr. Thomas Shanks Consulting ("Consultant").

RECITALS

WHEREAS, the City and Consultant entered into a consulting services agreement, dated January 20, 2004 ("the Agreement"), in which consultant agreed to develop and assist in implementing an ethics policy and program for the City; and

WHEREAS, City has requested that Consultant perform additional work, and Consultant is agreeable to performing such additional work provided that the City provides additional compensation.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 2 of the Agreement is amended to increase the not to exceed compensation amount from \$21,960 to \$ 23,460.
2. Exhibit A of the Agreement is amended as follows:
 - a. Task 3 is replaced with the following:

"Task 3: Develop Ethics Code, Guidelines and Implementation Plan

Subtask 3a: Presentation of awareness survey results. Develop draft and final Code of Ethics, Guidelines and Implementation Plan. Present draft and final documents to CAC and City Council.

Subtask 3b: Conduct 23 additional one-on-one stakeholder interviews, after completion of Stakeholder Report

Weeks to Complete	<i>Subtask 3a:</i> 11 <i>Subtask 3b:</i> 3 (task 3b to be commenced simultaneously with subtask 3a)
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Meetings	No.
<i>Subtask 3a:</i>	
Code Development Team	4
CAC and City Council with survey report, drafts, and final documents	4
City Staff	3
<i>Subtask 3b:</i>	
Additional stakeholder interviews	23
Total	30

- a.
 - b. Item 6 is amended to read as follows:

"6. Cost

Consultant and the City of Milpitas agree to a cost of \$21,000 for the program (excepting subtask 3b) as described above. A 10% retention will be paid immediately upon signing the contract, 10% retention will be paid upon the approval of the final deliverable. The remainder will be paid in four equal installments of \$4200 upon the completion of Tasks 1, 2, 3a, and 4. Compensation for Subtask 3b shall be \$ 1,500, and Consultant shall separately invoice such work and submit such invoice immediately upon completion of Subtask 3b.

The fee (not to exceed \$960) to Dr. Riley is not included in the above amount.

Therefore, the total cost of the project to the City is not to exceed \$ 23,460.

3. Exhibit B to the Agreement is hereby replaced with the attached Exhibit B.
4. Except as modified herein, all other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

CITY OF MILPITAS

CONSULTANT

Thomas J. Wilson, City Manager

Dr. Thomas Shanks

APPROVED AS TO FORM

Steven T. Mattas, City Attorney

ATTESTED BY:

City Clerk

Exhibit B

Updated Project Schedule (Revised 3/16/04)

Date	Day	Activity	Task No.
Jan. 20	Tues.	Council approves hiring of Consultant	
Feb. 17	Tues.	Draft awareness survey	1
March 2	Tues.	Survey Draft approved	2
March 9	Tues.	Code plan	1
March 10	Wed.	Begin conducting awareness survey	2
March 29	Mon.	Complete survey report; Code Development Process begins. Complete stakeholder report	3a, 2
April 19	Fri.	Conduct additional one on one interviews	3b
May 5	Wed.	CAC reviews draft Code, Guidelines and Implementation Plan	3a
May 18	Tues.	Council reviews draft Code, Guidelines and Implementation Plan	3a
June 1	Tues.	Council approves Code, Guidelines and Implementation Plan	3a

Implementation

June 14	Mon.	Earliest date for initial training post Ethics Code policy	4a
July 12	Mon.	Filing period begins for City Council race	
Aug. 6	Fri.	Filing deadline for City Council race	
Aug. 9	Week of	Training for Mayoral/Council candidates; on-going problem-solving begins*	4a
Nov. 2	Tues.	Election; problem-solving ends*	4a
Nov. 3	Wed.	Begin conducting awareness surveys concerning the campaign	5
Nov. 4	Th.	Begin remaining training sessions**	4b
Dec 15	Wed.	Training Sessions** end; conduct awareness/final assessment surveys not focusing on campaign	4b
Early Jan	Wed.	Post-election Assessment Meeting	5
Jan. 31	Mon.	Final report due	5

* Training opportunities for public, electeds, and appointeds concerning ethical campaigning.

**Training opportunities for public, electeds, appointeds, and management staff not focusing on campaigning.



Code of Ethics 2004



A Plan to Develop a New Code of Ethics
in the City of Milpitas

by Tom Shanks, Ph.D.

10 March 2004

Tom Shanks Consulting
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San Jose, CA 95125
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The Ethics Challenge in Public Service

"...Ethics rules and regulations on their own are inadequate guarantees of ethical behavior. Fine public service and good government rely first and foremost on good people with the character, cause, and courage to do the right thing. By oath, office, and profession, public managers voluntarily commit themselves to thoughtful, ethical action.

Ethics in public service is a perpetual responsibility to implement and comply with the law, to serve the public interest, to avoid doing harm, to hold the future in stewardship, and to accommodate clashing definitions of what is right and important in public life..."

— From Carol W. Lewis, *The Ethics Challenge in Public Service*.
(San Francisco: Jossey-Bass Publishers, 1991), p. 198.

1. Introduction: Ethics is Hard

Living ethically and making ethically-appropriate decisions is a challenge for every human being and every organization on the planet. As we plan the Milpitas Ethics Program and develop its Code, it is important to remember that our ethics effort does not take place in isolation. If the program is to be successful, we need to understand how the Code will be supported and challenged by the culture of politics and public life in general and in Milpitas specifically. We also need to understand something of the broader backdrop of success and failure that characterize the efforts of regular human beings to live ethically and to do "the right thing."

In practice, human beings just do not find it easy to recognize an "ethical situation," make an "ethical judgment," or follow through on "ethical action." When the cost of that ethical action rises, we often find ourselves lacking in "moral courage."

Why is ethics hard? Two practical answers come to mind:

1. Human beings have a hard time balancing out two competing instincts: self-interest and community. Both are deeply embedded in each of us. On the one hand, we need to care passionately about our selves ("self-interest") so that we survive and prosper. On the other hand, we need to live and flourish with others in community. It is no surprise that ethics texts begin to appear in our

history when we begin to live together in community.

2. Human beings have a hard time choosing between "right" and "right," not "right" and "wrong." It turns out that we can usually spot right and wrong, though we may have a hard time following through on our judgment. We have a much harder time in choosing between two good values. For instance, both self-interest and community are good, necessary, and inevitable. What do we do when they come into conflict?

Ethics is made more difficult for us in western society because we act as if we learned everything there was to learn about it when we were in Kindergarten, rarely talk about it except in highly stressful situations (usually involving medical decisions), are often conditioned to believe that the law is "taking care" of our ethics, and often act as if our profession or our personal situation exempts us from the ethical standards we might expect every human being to follow.

That sense of being morally exempt, some would say, is the root cause of the series of high-profile legal and ethical scandals at Tyco, Enron, World-Com, financial institutions, even the *New York Times*.

What of the future? Can we look to a new generation, perhaps a more idealistic or innocent generation? Despite the efforts of hundreds of character initiatives, the Josephson Institute's 2002 Report Card on American Youth, based on data from 12,000 high school students, showed that in just two years cheating at least one time in the past year rose from 71% in 2000 to 74% in 2002, theft increased from 35% to 38%, and those who said they would be willing to lie to get a good job jumped from 28% to 39%.

2. Ethics IS a Challenge for Public Service

People bring all these ethical challenges with them when they come to work in the City government or on City staff. At work, they find an additional set of ethical challenges.

A major challenge for ethics is the culture of getting elected. Milpitas will soon have the experience of telling people that we conduct workshops on "How to Conduct Ethical Political Campaigns." Watch the expression

on people's faces. Listen to the giggle or full-bodied laugh that happens next.

Why do people laugh when they hear "ethical" and "political" is the same sentence? A political consultant perhaps put it best when he pointed out that many politicians separate "the game" from "the business." "The game" is getting elected. The "business" is the business of government.

These are often treated as if they are disconnected. "Anything goes" seems to be the mantra for some campaigns, especially in the last few days before the election. "Trust me" is the demand the day after election day. Increasingly voters are saying that "trick or treat" is fine on October 31, but "trick and cheat" is not acceptable a few days later.

Public trust is down; voters are staying away from the polls in droves. All around the country there are efforts to get candidates to adopt and abide by Codes of Fair Campaign Practices. These efforts have had some success, but some have used the new ethics initiatives as another weapon in the "anything goes" arsenal. What could be more effective (or devastating) than to lodge an ethics charge in the last few days before an election? Wherever there is an ethics enforcement mechanism or a Board that can be convened before the election, there have been ethics charges and countercharges. They have been very effective: who would elect and trust someone who breaches ethics?

Unfortunately, the answer to that is "many citizens." Innuendo, whispering campaigns, the misrepresentation of a candidate's record, misleading voters with campaign pieces masquerading as newspapers, paid slate mailers that seem to carry a legitimate party endorsement—all these tactics work some of the time. Some would like to believe that such tactics are not successful, but the research on this question is mixed at best.

If it works, it works because so few of us vote or seem to pay attention to the race and the issues beforehand. Those of us who vote often vote for an initiative because of its title, tend to vote for the incumbent, don't attend or watch debates. One friend of mine, on hearing about the survey we were doing in Milpitas, said, "If you called me, I'd have to decline. I've never been to a Council meeting in my City, don't have any idea what they do, or who they are."

This is, of course, not unusual—or even necessarily a bad thing. Many citizens, including, we expect, the majority of those in Milpitas, are very happy to know nothing of City government because it means there is no problem, services are of high quality, and people would rather be free to live their lives with minimal or no concerns about their local government.

In addition to the culture of "getting elected," elected and appointed officials face other ethics challenges:

- Unlike most other professions, public service has made a minimal number of ethics requirements into legal precepts or compliance issues. So, the State has extensive regulations concerning conflict of interest, gifts, financial disclosure, public meetings, and so on. This contributes to a belief that ethics and law are the same, and that if we follow the law, we will be ethical. For public officials, the law should be seen as the floor or the foundation, not the ceiling. All the gray areas of ethics fill in the space between the floor and the ceiling.
- Public service has been reluctant to use the language of ethics and values to explain decisions. "Values" are our deepest beliefs and dispositions; they guide our actions and our attitudes, and what we actually do. "Ethics" is a set of principles or norms that prescribe how we *ought* to treat others with whom we are in relationships. Public officials often make their decisions based on their values and ethics—what will do the greatest good and the least harm, which is fairest, what will advance our community's values, whose rights need to be protected, how will this benefit the community the most, how do I best fulfill my duty, etc.

However, rather than giving a values or ethics-based explanation of their reasoning, most Councils simply announce the decision, often explaining it in terms of efficiency, practicality, or economics, which may, of course, also be at work in the decision. The problem with this is that it gives the inaccurate impression that policies are value-neutral; it deprives citizens of their right to see whether the policy maker's reasoning process stands up to scrutiny by other people of good will who are just trying to live their lives the best way they can.

- "Politics without principle" is the way Gandhi described one of the "seven social sins." The common Hollywood stereotype is

consistent with Gandhi's statement. Because most government officials do not use the language of ethics in describing policy choices, citizens are left with their own perceptions of ethical behavior or an ethical culture. This is an important point. Whether a government is ethical or not is a perception formed in the mind of every citizen. Perceptions are often linked to communication. Ethics perceptions are best shaped by direct communication about the ethics process used, the principles underlying a decision, and by role-modeling on the part of the leadership of the City. These are skills-based activities, but most people in public service are either unfamiliar or uncomfortable with these skills to start with. There is some learning curve, then, that is necessary.

- o No one wins public office today without a vast array of relationships, supporters, endorsers, donors, volunteers, corporate sponsors, political friends, consultants, and so on. Every candidate for office signs on to one ideology or another, finds cohorts of like-minded others, makes promises, negotiates positions, compromises, problem-solves, and wields power. Each of these fundamental political activities poses ethical questions: How far does one go? What promises cross the line? Which returned favors hurt the public's interest? Most local politicians are ethical, good, hardworking people. They give up a great deal for very little financial reward. Without them, our country would grind to a halt. But even good people can make mistakes or hit a stumbling block. At times, politics gets in the way of public service.

"We've all seen how politics can reflect our worst values of selfishness, greed, divisiveness, fear, and power. Yet we long to see how politics could reflect our best values of compassion, community, diversity, hope, and service. Reconnecting politics to our best values is now the most important task of political life" (Wallis, Jim. *The Soul of Politics*, p. 18)

3. Signs of Hope

The reader may or may not agree with the previous sections' characterizations of the world at large and the world of public service. The previous comments sought to situate the Milpitas code against a broader horizon, and to help us understand that our efforts are part of a

larger, interdependent social-political system. That system creates the environment within which our Code will operate. We need to continue to monitor that system and to remain an open part of it, adjusting our program as the larger system adjusts.

The picture presented earlier lacks some of the signs of hope that are springing up in response. The Ethics Resource Center 2003 Business Ethics Survey notes that employees across the Country are seeing renewed emphasis on ethics in the workplace in light of the past years corporate scandals. Some 90% of organizations now have ethics codes and many are renewing them and making them real.

Increasingly states and private foundations have begun funding character initiatives for youths and children. Locally, for instance, the Markkula Center for Applied Ethics Character Program is building moral communities in over 200 local schools.

Across the country, efforts to reform campaign conduct are growing (see <http://www.campaignconduct.org>). One of the greatest signs of hope is this program in Milpitas, the citizens who proposed it, and the Council and City Manager who are supporting it. Milpitas joins the City of Santa Clara in our region in developing a code, applying it to candidates and City leaders, and assisting citizens to make the best choices they can to hold their candidates accountable for promises made during the next election. Santa Clara is in the middle of planning a public information campaign to teach voters how to judge unfair campaign materials. Santa Clara will make its materials available to Milpitas, should the City desire to use them.

4. Plan for the Development of the Code of Ethics

The remainder of this document presents a plan to develop a new Code of Ethics for the City of Milpitas. The plan builds on the hopes and takes into account the challenges of the preceding sections.

The Milpitas project began with the City Council's approval of the contract with Tom Shanks Consulting on January 20, 2004 and will end in early 2005.

The plan presented here draws on the first half of the stakeholder interviews conducted in mid February. In most of the 25 interviews and one public meeting, respondents were asked Milpitas' current Ethics

Code and to provide feedback about a potential approach to the new Code. Based on that input, the approach was revised and is presented here.

The author of this report believes that the plan described here is robust. It has benefited in myriad ways from the wide-range of perspectives gathered during the first round of interviews. While we believe the next wave of interviews will provide very useful data to the development of the Code of Ethics, we do not believe that we need to delay this plan or planning for the Code Workshop sessions until those interviews are completed. We have, however, appropriately delayed the Stakeholder Report until all the interviews are completed. To be fair to the stakeholders who remain to be interviewed, however, Tom Shanks Consulting (or TSC) reserves the right to amend this plan and resubmit it to the City Council, should the results of those interviews indicate that such a course is necessary.

To facilitate discussion by the City Council, this plan is presented as a series of decision points.

5. The Code as a "Living Document"

As we begin this project, two key questions confront us:

1. Can the City Council, Commissioners and Board members, The Citizens Advisory Council and other citizens, City Management and Department Heads, and other involved parties agree on a definition and code of ethical behavior for elected and appointed officials, those running for office, and for the City's executive staff?
2. Assuming such an agreement, can the City and all the groups to whom the Code applies develop the habit of incorporating this Code into everyday actions?

These two questions help us to be sure we are on the same page as we begin this project. These questions assume that we are developing a Code that we intend to live. The plan presented here assumes that we are in agreement about this as the nature and purpose of the Code we are developing.

As the quote at the start of this document indicates, public service ethics is a complex process. It rests on good people who have a clear

understanding that the law is our foundation and our first duty is to uphold the Constitution and the Bill of Rights.

We also want to be clear that the ethics program we outline in these pages is not just about following the law or complying with regulations and procedures. As California State Supreme Court Justice Ming Chin said to a group of lawyers a few years ago, "The law (and regulations) are our floor. They are not our ceiling." Between the floor and the ceiling lie a lot of gray area and our most difficult ethical decisions. As we described it in previous pages, most ethics decisions the City and its leadership will confront are not "right vs. wrong" decisions but rather the more complex and difficult "right vs. right" decisions.

As a result of this complexity, we are proposing a skills-oriented, problem-solving, and communication approach to ethics for Milpitas. Like most skills, living our values and making ethically-appropriate decisions take practice. They also take time. For the ethics program in Milpitas to be successful, we need to see it as an on-going—a continuous improvement program, if you will. This is in contrast to seeing the Ethics Program like most other city projects, which have a start date and a stop date. While it is true that the development of the Code is such a project with a start/stop date, living the Code or making it real is different. They are on-going tasks and must be seen as such from the start. Ethics can never be the project "we did last year." At least for the foreseeable future, we should not be able to say, "Ethics—didn't we finish that?"

Every ethics effort generates some cynicism, and Milpitas' effort has generated some. We will explore that in detail in the Stakeholder Report. The best answer to "ethical cynicism" is "ethical action."

Decision Point 1: On the nature of the Code, we are in agreement that:

The Code we are developing is meant to be a guide for everyday actions and decision-making. It is a living document, translated into everyday actions by those who practice it. In adopting it, the City (and all whom the Code covers) promise citizens that they will do their best to practice its principles every day, to be guided by it in decision-making, and to be held accountable to its standards. If it is to remain a living document and integrated into the decision-making of the City, its effectiveness will need to be monitored and the Code itself updated according to a regular schedule to reflect changing needs in the City.

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6. Leadership from the Top: Who Will Live the Code?

Research and practice make it clear that no Ethics Code succeeds unless there is clear and visible support for the Ethics Code and leadership of the Ethics Program from the top of the organization.

Because Milpitas has a Council-Manager form of government, the City Council are the appropriate leaders for the Program and the appropriate role models for the Code. On the staff side, the City Manager is the leader of the program.

It is certainly the prerogative of Council and Manager to delegate responsibility for various activities connected to the Code. It is also understandable that Council and Manager may not want to be seen as controlling the Ethics Code or Program. Nevertheless, it must be clear to everyone that the Council and the Manager are wholeheartedly supportive of the program, become appropriately involved in the work of drafting the Code, and engage in their own learning to become credible and available role models for the Code in practice.

In practice this means that City Council and City Manager, as individuals and as a group, work hard to develop and maintain reputations for integrity and ethical leadership; strive to make the Code's values and principles real in their everyday work by translating those principles in specific behavioral standards for their jobs, as appropriate; work to remove any stumbling blocks that get in the way; and demonstrate public commitment to the Code and the program by using it as a guide for policy and decision-making, by allocating resources as necessary and prudent, by exercising oversight over the program, and by demonstrating a willingness, as appropriate, to explain the values and ethics reasoning behind important decisions.

The decision has also been made to extend this Code to all of the City's appointed officials, to those running for office in Milpitas, and to the Executive Staff of the City, working with the City Manager.

No one is expected to become an ethics expert overnight. Nor do we expect whatever problems exist historically or by personal temperament to magically resolve themselves. It is likely that we will have to work together to do some clearing of the air in order to proceed forward. As we have not had the occasion to observe the group dynamics among the Senior Staff, we would propose that a few weeks of observation precede any training or implementation of the Code with the Senior Staff.

Finally, the decision has also been made not to extend the Code to City Employees at this time. Should there come a time when it seems wise and beneficial to involve employees in the City's effort, we would recommend that a separate process be developed to involve employees across the board as fully as citizens, elected and appointed officials, and senior staff will be involved in this one. A logical time for such inclusion would be during one of the regular future revisions of the Code.

Decision Point 2: On who will live the Code, we are in agreement that:

The Code will apply to the City Council, Board and Commission Members and others appointed by the Council, candidates running for office commencing with the November, 2004 election, City Manager and his Senior Staff. It is further understood that the leadership of the program rests with the City Council and, on the Staff side, the City Manager. Today the leaders of the program commit themselves to setting the bar for ethical conduct as high as possible and to working on the skills as described above in the paragraph that begins with "In practice..."

7. What Type of Code?

In a message to Congress on April 27, 1961, President John F. Kennedy said, "The ultimate answer to ethical problems in government is honest people in a good ethical environment. No web of statute or regulation, however intricately conceived, can hope to deal with the myriad possible challenges to a [person's] integrity or his devotion to the public interest."

The Code will identify core values and a set of ethical standards for how City Leaders ought to act in order to generate public trust. These standards will be primarily positive (for example: I will be fair, distributing benefits according to equitable criteria.) We will identify enough standards and describe them in clear enough language that someone will have a very clear picture of the character traits and many of the behaviors they will be expected to demonstrate when they act on behalf of citizens and the City.

The Code will approach ethics as being fundamentally about relationships. The goal of ethics is relationships of the highest quality

among and between all the constituents of the City, its environment, and the natural world around us.

The Code will answer the question: "How should we treat others in our work and how ought we ourselves be treated?" We will begin to develop the Code with the question, "When we are at our best in our treatment of citizens and each other, what values do we practice?"

The Code will have embedded into it a principles-based decision-making process that asks us to strive to be every day the way we are when we are "at our best." It turns out that every major ethical principle can be derived from the way human beings are when they are at their best in their treatment of others: we do more good than harm; we treat each other with dignity and respect; we protect each other's rights and satisfy our duties; we build up our communities instead of satisfying our own narrow interests; and we seek to be people of integrity, responsible, and honest. These are the kinds of statements that appear in Codes of Ethics, and some will appear in Milpitas', depending on the choices people make as we develop the Code.

The Citizen Survey has been tailored with this type of Code in mind. Citizens have been asked to evaluate 25 possible behavioral statements for possible inclusion in the Code. They have also been asked about their experiences with the City's strengths and weaknesses. The specific content will draw on these results for specific Code development.

As much as possible, we will develop one Code for all constituent groups, understanding that each group will translate the Code into a set of behavioral standards, i.e., what the Code looks like and doesn't look like in their jobs. This will be a large part of the training that takes place after the Code has been approved.

Decision Point 3: On the content of the Code, we are in agreement that:

The Code will be one positive set of statements that describe us at our best and describe how we ought to treat residents and other City leaders; will name core ethical values and a set of behaviors specific enough so that it is clear to readers what that value looks like in practice. In developing its content, those drafting the Code will give careful consideration to the results of the Citizen Survey and to the Stakeholder report.

8. How will we develop the Code?

The Code will be developed over four 2 hour meetings beginning on March 31 and ending on May 5. These will be working sessions:

SESSION ONE:

1. Ice Breaker: High Five and City Ethics
2. The task at hand
3. Ground rules
4. Reviewing the Citizen survey results: specific to our work
5. Choosing and grouping our Core Values (most of the meeting)
6. Trying them on for size
7. Identifying cluster workgroups and proceeding from here
8. Comment or Question to conclude

SESSION TWO:

1. Warm Up
2. Review of last meeting results
3. Additions or Revisions sent ahead of time
4. Defining Values: Mini-lesson
5. Working in cluster groupings to define values, character traits, sample behaviors
6. Exchanging and feedback with another group

SESSION THREE:

1. Warm Up
2. Review of last meeting results
3. Additions or Revisions sent ahead of time
4. Reviewing and polishing in work groups
5. Testing: Enough guidance? Enough specifics?
6. Reactions from feedback group (not involved in crafting the document)
7. So what's missing

SESSION 4

1. Final Review
2. Final Testing
3. Consensus Moment: Can you live with every value and principle on this page?

4. Troubleshooting
5. Accountability Discussion and Developing a Model
6. Where do we go from here.
7. Celebrating and Recognizing Contributions

Dr. Shanks will work with Staff on the Code between meetings. He will wordsmith the document for approval by the group each time and for final approval for the Council.

Those who should be in attendance in the room: The Steering Committee may add other participants, but we would recommend the following as the minimum group to craft the Code, and whose should be present at all meetings if possible:

1. Members of the City Council. All steps should be taken to allow all members of the Council to participate in the overall process and the specific individual work groups. There are Brown Act considerations which the Attorney's Office is working on.
2. City Manager, Assistant City Manager, City Attorney (or delegate), City Clerk
3. Representative Group of Department Heads (Steering Committee plus...) (All Department Heads should be invited to each meeting)
4. One representative from each Board and Commission
5. Members of the CAC
6. Other Citizens who respond to an open invitation (invited to help craft the Code that will apply to their leadership)
7. City employees who respond to an open invitation (invited to help craft the Code that will apply to their leadership)

This is the minimum number of participants.

Decision Point 4: On the development of the Code, we are in agreement that:

The Code will be developed collaboratively and over four sessions as described here; Dr. Shanks will work with Staff on the final wording of the document after specific input from working groups during the sessions. The sessions will have representatives as suggested above or with mutually agreeable changes.

9. What about accountability?

Decision Point 5: On accountability, we are in agreement that:

The program is intended to be a positive program, but it will require a clear accountability process. We propose that those involved in drafting the Code be asked for input and feedback during the last session. We further propose that we discuss an appropriate process for developing an Accountability System with the Steering Committee and return at a later date for approval of that development process.

Similarly, we propose to return to Council at a later date to outline and gain approval for the full implementation plan for the Code.

We look forward to discussing these proposals with the Council.